

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GYM DOOR REPAIRS, INC. and SAFEPATH  
SYSTEMS INC.,

Plaintiffs,

- against -

YOUNG EQUIPMENT SALES, INC., YES SERVICE  
AND REPAIRS CORPORATION, RICHARD YOUNG,  
BRIAN BURKE, DENNIS SCHWANDTNER,  
GUARDIAN GYM EQUIPMENT, QAPALA  
ENTERPRISES, INC., JAMES PETRIELLO, TRI-  
STATE FOLDING PARTITIONS, INC., PETER  
MUCCIOLO, EDUCATIONAL DATA SERVICES,  
INC., TOTAL GYM REPAIRS, INC., CARL THURNAU  
individually and as DIRECTOR of NEW YORK STATE  
DEPARTMENT OF EDUCATION OFFICE OF  
FACILITIES PLANNING, NEW YORK STATE  
SCHOOLS FACILITIES ASSOCIATION, SCHOOL  
FACILITIES MANAGEMENT INSTITUTE, EASTERN  
SUFFOLK BOCES, NASSAU COUNTY BOCES,  
BELLMORE PUBLIC SCHOOLS and NEW YORK  
CITY DEPARTMENT OF EDUCATION,

Defendants.

15 Civ. 4244 (JGK) (OTW)

**[PROPOSED] JUDGMENT**

Plaintiffs commenced this action on July 1, 2015 (ECF 1), and on October 15, 2015 filed a Second Amended Complaint (ECF 83), alleging claims for patent, copyright and trademark infringement, unfair competition, tortious interference and conspiracy. *Id.* By order dated September 19, 2018, the Court issued an order granting summary judgment to Defendants, including Defendants Carl Thurnau, Total Gym Repairs, Inc., Guardian Gym Equipment, Qapala Enterprises, Inc. and James Petriello, dismissing the remaining claims against them. ECF 685. On June 17, 2020, the Court issued a final judgment dismissing this case. ECF 890.

By order dated March 26, 2021 (ECF 989), the Court adopted a Report and Recommendation dated February 22, 2021 (ECF 977), and directed that Total Gym Repair, Inc. recover attorneys' fees

from Plaintiffs in the amount of Ninety-One Thousand Eight Hundred Ten Dollars and Zero Cents (\$91,810.00), and directed the Clerk to close all open motions. ECF 989.

By order dated September 29, 2023 (ECF 1063), the Court adopted a Report and Recommendation dated March 31, 2023 (ECF 1044), and directed that Guardian Gym Equipment, Qapala Enterprises, Inc. and James Petriello recover attorneys' fees from Plaintiffs in the amount of Fifty-Six Thousand Two Hundred Eighty-Five Dollars and Zero Cents (\$56,285.00). The Court further directed: (1) that the State of New York, on behalf of Carl Thurnau, recover costs in this proceeding from Plaintiffs in the amount of Twenty-Five Thousand Four Hundred Twenty Dollars and Forty-Three Cents (\$25,420.43); (2) that Total Gym Repair, Inc., recover costs in this proceeding from Plaintiffs in the amount of Eight Thousand Seven Hundred Seventeen Dollars and Ninety-One Cents (\$8,717.91); and (3) that Guardian Gym Equipment, Qapala Enterprises, Inc. and James Petriello, recover costs in this proceeding from Plaintiffs in the amount of Seventeen Thousand Six Hundred Twenty-Six Dollars and Sixty-One Cents (\$17,626.61), and directed the Clerk to close all open motions. ECF 1063.

By order dated November 13, 2023 (ECF 1081), the court clarified that the assigned Magistrate Judge would issue an appropriate Judgment.

Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that The State of New York have Judgment against Plaintiffs Gym Door Repairs, Inc. and Safe Path Systems, LLC, jointly and severally, in the amount of Twenty-Five Thousand Four Hundred Twenty Dollars and Forty-Three Cents (\$25,420.43) plus post-judgment interest should any accrue; and


it is further **ORDERED, ADJUDGED** and **DECREED** that Total Gym Repair, Inc. have Judgment against Plaintiffs Gym Door Repairs, Inc. and Safe Path Systems, LLC, jointly and severally, in the amount of Ninety-One Thousand Eight Hundred Ten Dollars and Zero Cents (\$91,810.00) in

attorneys' fees and Eight Thousand Seven Hundred Seventeen Dollars and Ninety-One Cents (\$8,717.9) in litigation costs, plus post-judgment interest should any accrue; and

it is further **ORDERED, ADJUDGED and DECREED** that Guardian Gym Equipment, Qapala Enterprises, Inc. and James Petriello, have Judgment against Plaintiffs Gym Door Repairs, Inc. and Safe Path Systems, LLC, jointly and severally, in the amount of Fifty-Six Thousand Two Hundred Eighty-Five Dollars and Zero Cents (\$56,285.00) in attorneys' fees and Seventeen Thousand Six Hundred Twenty-Six Dollars and Sixty-One Cents (\$17,626.61) in litigation costs, plus post judgment interest should any accrue.

Dated: New York, New York

5/15/24

  
Ona T. Wang *SONW 6/16/24*  
United States Magistrate Judge

This document was entered on the docket

on \_\_\_\_\_.